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SENATE BILL 818

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Stuart Ingle

AN ACT

RELATING TO CRIMINAL LAW; REDEFINING "DEADLY WEAPON" TO INCLUDE
A STUN GUN; AMENDING A SECTION OF THE CRIMINAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 30-1-12 NMSA 1978 (being Laws 1963,
Chapter 303, Section 1-13) is amended to read:

"30-1-12. DEFINITIONS. --As used in the Criminal Code:

A. "great bodily harm" means an injury to the
person which creates a high probability of death, ~~[or which]~~
causes serious disfigurement or ~~[which]~~ results in permanent or
protracted loss or impairment of the function of any member or
organ of the body;

B. "deadly weapon" means any firearm, whether
loaded or unloaded; ~~[or]~~ any weapon which is capable of
producing death or great bodily harm, including but not

underscoring material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 restricted to any types of daggers, brass knuckles, switchblade
2 knives, bowie knives, poniards, butcher knives, dirk knives and
3 all such weapons with which dangerous cuts can be given or with
4 which dangerous thrusts can be inflicted, including swordcanes
5 and any kind of sharp pointed canes, ~~[also]~~ slingshots, slung
6 shots and bludgeons; a stun gun, which is an electroshock
7 device capable of projecting or administering an electric shock
8 that can temporarily stun or incapacitate a person; or any
9 other weapons with which dangerous wounds can be inflicted;

10 C. "peace officer" means any public official or
11 public officer vested by law with a duty to maintain public
12 order or to make arrests for crime, whether that duty extends
13 to all crimes or is limited to specific crimes;

14 D. "another" or "other" means any other human being
15 or legal entity, whether incorporated or unincorporated,
16 including the United States, the state ~~[of New Mexico]~~ or any
17 subdivision ~~[thereof]~~ of the state;

18 E. "person" means any human being or legal entity,
19 whether incorporated or unincorporated, including the United
20 States, the state ~~[of New Mexico]~~ or any subdivision ~~[thereof]~~
21 of the state;

22 F. "anything of value" means any conceivable thing
23 of the slightest value, tangible or intangible, movable or
24 immovable, corporeal or incorporeal, public or private. The
25 term is not necessarily synonymous with the traditional legal

1 term "property";

2 G. "official proceeding" means a proceeding heard
3 before any legislative, judicial, administrative or other
4 governmental agency or official authorized to hear evidence
5 under oath, including any referee, hearing examiner,
6 commissioner, notary or other person taking testimony or
7 depositions in any proceeding;

8 H. "lawful custody or confinement" means the
9 holding of any person pursuant to lawful authority, including
10 without limitation actual or constructive custody of prisoners
11 temporarily outside a penal institution, reformatory, jail,
12 prison farm or ranch;

13 I. "public officer" means any elected or appointed
14 officer of the state or any of its political subdivisions,
15 [and] whether or not he receives remuneration for his services;
16 and

17 J. "public employee" means any person receiving
18 remuneration for regular services rendered to the state or any
19 of its political subdivisions."